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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/403,803 03/17/95 ISRAELI R 41426-A-PCT-

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HM22/0816

EXAMINER

GUCKER, S

ART UNIT

PAPER NUMBER

1647

DATE MAILED:

08/16/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



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24

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 3/24/00

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 100-126 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) 100-109, 112, & 116-118 is/are allowed.
- ☒ Claim(s) 110-111, 113-115, & 119-126 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 22
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

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Part III DETAILED ACTION

Response to Amendment

1. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1647.
2. Since this application is eligible for the transitional procedure of 37 CFR 1.129(a), and the fee set forth in 37 CFR 1.17(r) has been timely paid, the finality of the previous Office action is hereby withdrawn pursuant to 37 CFR 1.129(a). Applicant's first submission after final filed on 3/24/00 has been entered.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Any objections or rejections made in a previous Office Action that are not herein reinstated have been withdrawn.
5. Claims 110-111, 113-115, and 119-126 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 110-111 recite an antigenic prostate specific membrane antigen polypeptide having within its structure consecutive amino acids having the following sequences...SEQ ID NO:35, SEQ ID NO:36, and SEQ ID NO:37. The metes and

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bounds of the claim are unclear because it is uncertain, according to the claim wording, whether consecutive amino acids refers to the internal order of each amino acid within a SEQ ID NO such that the claimed nucleic acid encodes within itself SEQ ID NOs:35-37 as a whole SEQ ID NO, but in no particular order, and with intervening nucleotides between the encoding sequences; or if the encoding nucleotides for SEQ ID NOs:35-37 must be consecutive within the larger claimed isolated nucleic acid, such that encoding nucleotides for SEQ ID NO:35 must be consecutive with the coding nucleotides for SEQ ID NO:36 and the coding nucleotides for SEQ ID NO:36 must be consecutive with the coding nucleotides for SEQ ID NO:37, etc. The grounds of this rejection could be obviated by deleting "consecutive amino acids having".

Claims 113-115 and 119-120 are vague and indefinite because "the sequence of an [the] outside region" or "the sequence of the antigenic outside region" are not defined because it is not known what the boundary line between inside and outside is (alpha helical residues, beta sheets, internal twists, intracellular-transmembrane-extracellular domains, etc.). If Applicant is intending to claim the encoding sequence for the extracellular membrane region of an antigenic prostate specific membrane antigen polypeptide, the grounds of this rejection could be obviated by reciting the residues of SEQ ID NO:2 that make up the extracellular membrane region and indicating in the disclosure where support for such would be found.

6. Claims 100-109, 112, and 116-118 are in condition for allowance.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gucker whose telephone number is (703) 308-6571. The examiner

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can normally be reached on Monday to Friday from 0830 to 1700. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz, can be reached on (703) 308-4623. The fax phone number for this Group is currently (703) 308-4242, but Applicant should confirm this by phoning the Examiner before faxing.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

SG

Stephen Gucker

August 14, 2000

Gary L. Kunz
GARY L. KUNZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600